



FREDERICK COUNTY PLANNING COMMISSION

August 8, 2018

(Continued from 7/11/2018)

TITLE: Dunkin' Donuts - Jefferson
FILE NUMBER: SP-80-13, AP# 18324, AFPO# 18325, FRO# 18326

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Development Plan approval for the conversion of an existing 1,870 s.f. bank building into a restaurant (with drive-through service) located on a 0.6-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the southeast corner of the intersection of Jefferson Pike (MD 180) and Lander Road in Jefferson
TAX MAP/PARCEL: TM 84; Parcels 22
COMP. PLAN: Village Center (VC)
ZONING: Village Center (VC)
PLANNING REGION: Brunswick
WATER/SEWER: W-5; S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Upcounty Donuts, LLC
OWNER: - same -
ENGINEER: N/A
ARCHITECT: QSR/R, LLC
ATTORNEY: N/A

STAFF: Denis Superczynski

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1- Revised Site Plan Rendering
EXHIBIT 2- Parking, Landscaping (Street Trees), and Lighting Modification Requests

STAFF REPORT

Development Request

The Applicant is requesting Site Development Plan approval for the conversion of an existing 1,870 s.f. bank building into a restaurant (with drive-through service) located on a 0.6-acre site in the Village Center (VC) District of Jefferson.

The Applicant is utilizing existing access driveways on Jefferson Pike (one-way exit) and Lander Road (one-way entrance), as revised just prior to the July 11, 2018 Planning Commission meeting.

BACKGROUND

At its July 11, 2018 meeting, the Frederick County Planning Commission (FCPC) voted to continue the review of this Site Plan. This continuance was granted for up to sixty (60) days to allow the Applicant to submit additional clarifying information as follows:

1. Supporting information to assist in staff determination of AM Peak hour traffic levels at the MD180/Lander Rd/Holter Rd intersection
2. Projection of anticipated customer visits in the AM Peak hour including the estimated percentage of drive-through vs. sit-down customers at this location.

On July 16th, the Applicant provided explanatory information as requested by the Planning Commission. The Applicant also provided information in response to follow-up questions from Staff.

As required by Zoning Ordinance §1-19-7.500(D), Site Development Plan proposals in the VC Zoning District are required to submit plans to the Planning Commission (or its representative) for Concept Site Development Plan Approval as the first step in the development review process. This Concept Site Development Plan must demonstrate how the proposed activity will meet development standards listed in §1-19-7.500(C). Planning Staff, serving as the Planning Commission's authorized representative (per Section 1-19-7.500(D)), have determined that the reuse of this existing building in the Village Center District meets the standards set forth for a Concept Plan and has authorized the Applicant to go forward with the submittal of a Type 1 Site Development Plan application for review by the Planning Commission.

ANALYSIS

Summary of Development Standards Findings and Conclusions

Site Access

The revised proposed plan modifies the full movement existing access with Lander Road (SHA owned roadway) to permit a 'one-way in only' movement to the site, while maintaining the existing one-way exit drive onto Jefferson Pike. To aid in the safe ingress of traffic from Lander Road, the applicant will be making some changes to the existing signal timing at MD 180/Lander Road and stop bar placement on the northbound Lander Road approach, and will add regulatory directional signing, as directed by SHA as part of a SHA Access Permit package. The road striping previously illustrated at the Lander Road entrance has been removed from the SHA right-of-way at the request of SHA.

The proposed reconfigured parking area will provide 12 parking spaces and accommodate sufficient

vehicular queuing to allow the stacking of more than 10 vehicles without blocking access to the parking aisles for those visitors not making use of the drive-through lane. A 'bail out' lane is also provided along the southern and eastern edges of the site and serves to provide access to the dumpster enclosure. The required loading space (10'x50') has been moved to an area adjacent to the south property boundary.

APFO Exemption Recommendation:

The section of the Frederick County Ordinance defining thresholds for Adequate Public Facilities (APFO) exemptions, paragraph 1-20-30(A), states:

"...this article does not apply to developments which are expected to generate 50 or less total vehicle trips during the highest daily peak hour of the adjacent street traffic..."

When County staff received the notice of intent to develop at the pre-application stage of this project, available traffic counts published by Maryland State Highway Administration (SHA) were reviewed for Lander Road and MD 180. Staff determined that the highest daily peak hour of traffic volumes on both of these adjacent streets occurred in the evening PM peak hour. More recent counts have confirmed this fact.

Using rates from the ITE Trip Generation Manual, 10th (latest) Edition, the new trips generated by the proposed development in the evening peak hour were actually less than those generated by the previous use. This is summarized below:

Site Generated vehicle trips on a weekday during the peak hour of adjacent street traffic, one hour between 4pm and 6pm:

Drive-in Bank (ITE Use 912)

20.45 Trips per 1000 SF GFA @ 1,870 SF = **38 Trips**

Bread / Donut / Bagel Shop with Drive-Through Window (ITE Use 940)

19.02 Trips per 1000 SF GFA @ 1,870 SF = **36 Trips**

It should be noted that the ITE Trip Generation Manual includes two similar land use categories that were considered for the proposed use. First, is a land use category (Bread / Donut / Bagel Shop with Drive-Through Window (ITE Use 940), which is defined with breads/donuts/bagels being the primary product being sold and may also sell coffee and other beverages. The second category (Coffee / Donut Shop with Drive-Through Window (ITE Use 937)) is defined as coffee and coffee variations being the primary products sold at these sites and they may sell other food/refreshments, a Starbucks comes to mind under this definition. Based on engineering judgment, staff assumed for this analysis that the proposed site will be focused on selling donuts with coffee being a secondary source of sales and ITE Use Code 940 is the most appropriate land use category for the proposed site.

As shown above, the proposed site is expected to generate fewer trips during the PM peak hour than the previous use, which is clearly under the fifty new trip threshold, and is therefore exempt from further APFO review.

Site Access Evaluation:

The Planning Commission also requested additional information on the number of vehicle trips that are expected to enter and exit the proposed site during the AM peak hour. According to ITE Trip Generation Manual, 10th Edition, the vehicle trips generated by the site during the peak hour of adjacent street traffic, on a weekday, one hour between 7AM and 9AM and one hour between 4PM and 6PM are as follows:

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AM: 38.65 Trips per 1000 SF GFA @ 1,870 SF = 72 AM Peak Hour Trips (36 entering / 36 exiting)

PM: 19.02 Trips per 1000 SF GFA @ 1,870 SF = 36 PM Peak Hour Trips (18 entering / 18 exiting)

As shown in the above calculations, 36 vehicles are expected to be entering the site during the AM peak hour (a majority turning left-in) or about one vehicle every two minutes. Vehicles leaving the site (a majority turning left out) would exit at about the same rate as those entering. In the PM peak hour, the site is expected to generate half the trips relative to the AM peak hour.

As stated at the hearing, all traffic turning left into the site from Lander Road that originates from MD 180 would move unimpeded into the site since northbound traffic on Lander Road would be stopped behind the stop bar. Staff is in agreement with SHA that the proposed site access, as currently designed, is adequate to accommodate the expected traffic generation.

SUMMARY

The Applicant previously agreed to Site Plan revisions discussed at the July 11, 2018 Planning Commission meeting including:

- 1) Shifting the location of the required loading space to the southern edge of the site;
- 2) Removal of the road striping within the SHA r.o.w. at the proposed entrance;
- 3) Removal of two (2) parking spaces on the southern end of the parking area in order to provide an area for the relocated loading space while allowing for a wider travel lane adjacent to the drive-through queue. This revision would eliminate the narrow 'pinch point' between the northwestern corner of the dumpster enclosure and vehicles in the drive-through lane.
- 4) Providing stop signs to control internal circulation (on or near the northwestern parking island) in order to better manage this convergence point where incoming traffic may conflict with vehicles circulating within the site after leaving the parking area.

RECOMMENDATION

Staff has no objection to conditional approval of the proposed site development plan and requested modifications. If the Planning Commission conditionally approves the plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and will therefore expire August 8, 2021. Based on the discussion in this report, the previous July 11, 2018 FCPC Staff Report, and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the following conditions are met:

1. The Applicant shall include a note on the plan acknowledging compliance with the Frederick County Bicycle Parking Design Guide.
2. The Applicant shall provide a photometric plan identifying lighting levels at property boundaries and amend the lighting modification request as needed.
3. The Applicant shall include a Planting Table on the signature set to identify plant material, plant size at time of installation, and other associated information regarding landscaping of the site.
4. The Applicant must provide some vegetative buffer (in addition to the proposed fencing), perhaps through the planting of 4-season evergreen shrubs along the eastern property boundary where practical.
5. The Signage note on the proposed Site Development Plan shall be updated to reflect the correct total signage allotment (increase from 65 s.f. to 66'-6" s.f.).
6. Work with SHA to assure safe and efficient site access, as part of the SHA Access Permit process. An access permit for this site shall be executed by SHA prior to the issuance of a building permit.
7. The Applicant shall: a) eliminate two (2) of the fourteen (14) parking spaces to facilitate the relocation of the loading space to an area parallel to the southern property boundary, and b) provide stop signs to control internal circulation (on or near the northwestern parking island) in order to better manage this vehicular convergence point.

Planning Commission approval of the following modification requests from the Applicant:

1. Modification to permit 12 parking spaces where the target number is 8 spaces per the Zoning Ordinance.
2. Approval of an Alternate Planting Design (landscaping, buffering, screening, & street trees) to allow fewer than the required number of street trees (2 trees instead of the required 9 trees), and to approve all landscaping elements on the Site as proposed, or as modified by the Planning Commission.
3. Lighting modification to allow some light spillage onto adjacent properties on eastern and southern property boundaries, per the revised modification request (see Condition #2 above).

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Development Plan SP-80-13 (AP#18324) for the proposed **Dunkin' Donuts** restaurant, with conditions and modifications as specified in the Staff Report.

EXHIBIT 1 – Revised Site Plan

EXHIBIT 2 – Modification Requests



June 15, 2018

Mr. Denis Superczynski
Frederick County
Division of Planning and Permitting
30 N. Market Street
Frederick, MD 21701

RE: Dunkin Donuts - Jefferson
SP80-13, A/P 18324
Modification Request

Denis,

On behalf of the Franchisee responsible for the proposed Dunkin Donuts located at the corner of Lander Road and MD-180 in Jefferson, MD, I hereby submit this modification request for the following requirements:

1. Section 1-19-6.220 "Parking Space Requirements and Dimensions"

A parking modification is requested to allow for a number of spaces greater than the required number of spaces. The plan requires 1 space per each 50 sq. ft. of floor area devoted to customer service. The proposed customer service area is 400 sq. ft. which equals 8 required spaces. The proposed site plan allows for 14 total spaces, of which 2 will be ADA accessible.

2. Section 1-19-6.400 "Landscaping and Screening"

A street tree modification is requested due to the location of existing plantings/trees and utilities as well as the addition of new planting areas in the proposed parking lot. Rather than planting new "street trees" the proposed site plan calls for new trees to be planted in the parking area to provide the required shade canopy coverage.

3. Section 1-19-6.500 "Lighting"

Existing site lighting fixtures are to remain and be re-lamped. Several existing fixtures are located at the property line and some light trespass onto neighboring properties is impossible to avoid.

Thank you for your consideration of these requests. Thank you also for your assistance regarding this project and for providing much of the information we required to complete our plans. Should you need any further information from us or have any questions, please feel free to contact us at 301-364-9880.

Sincerely,
QSR | R, LLC

Jason R. Scott
301-364-9880 x100
jscott@qsrandr.com

EXHIBIT 3 – Additional Information Submitted by Applicant
(pursuant to FCPC request of 7/11/2018)

Dunkin' Brands Daily Summary Report

PC: 352553 - Houston, TX

Start Business Date: 05/27/2018

End Business Date: 06/02/2018

Report Time: 07/16/2018 15:06:23

Qty	Sales	Amount	% Gross Sales	
	Gross Sales (without Tax)	\$18,451.14	100.00%	
	Item Sales (=)	\$18,436.01	99.92%	
221	..... Net AutoDetect Disc. (-)	\$464.68	2.52%	
	Net Sales (=)	\$17,137.03	92.88%	

	Net Sales Plus Tax (=)	\$18,123.42	
3277	Trans Count	\$0.00	
	Avg Net Sales/Trans Count	\$5.23	
	Avg Item Sales/Trans Count	\$5.63	
	Taxable Net Sales	Amount	
	Taxable Sales	\$12,312.60	
	Non Taxable Sales	\$4,824.43	
	Tax Type	Amount	

	Brand	Gross Sales	Net Reductions	Refunds	Net Sales	
	BR-Retail	\$0.00	\$0.00	\$0.00	\$0.00	
	DD-Retail	\$18,429.64	\$1,298.98	\$15.13	\$17,115.53	
	..... Bag Deposits	\$0.00	\$0.00	\$0.00	\$0.00	
	..... Batch Gift Card Activate	\$0.00	\$0.00	\$0.00	\$0.00	
 Charity	\$0.00	\$0.00	\$0.00	\$0.00	
 Newspaper	\$21.50	\$0.00	\$0.00	\$21.50	
	Tracked Fee Exempt	\$21.50	\$0.00	\$0.00	\$21.50	

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Qty	Transactions	Amount	
0	Tax Exempt Transactions	\$0.00	
3	No Sale Transactions	\$0.00	
387	Item Deletions	\$995.24	
350	Item Deletions Before Total	\$896.95	
36	Item Deletions After Total	\$93.80	
1	Item Deletions After Tender	\$4.49	
36	Cancelled Transactions	\$129.06	
Qty	Cash Reconciliation	Amount	
	Net Sales Plus Tax	\$18,123.42	
0	Paid Ins (+)	\$0.00	
0	Paid Outs (-)	\$0.00	
	Gift Certificate Sales	\$0.00	
15	Gift Card Sales	\$139.00	
	Total Responsible For =	\$18,262.42	
	Non-Depositable Total	\$12,579.95	
1,732	..... Credit	\$11,075.30	
327	..... Gift Card	\$1,504.65	
	Total Accounted For =	\$18,262.42	
	Over / Short	\$0.00	
 Sum of Shift Over/(Short)	\$0.00	
 Sum of Safe Over/(Short)	\$0.00	
Labor Hours	Hours	Amt	% Total

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Total	406.92	\$34,025.68						
Trans Count	Net Sales	Avg Net Sale	% Net Sales	Labor Hours	Labor Cost	Labor Cost % Net Sales	Net Sales / Labor Hour	
3,277	\$17,137.03	\$5.23	100.00%					
3,277	\$17,137.03	\$5.23		406.92	\$34,025.68	198.55%	\$42.11	
Sales Destination	Gross Sales Count	Gross Sales	Avg Gross Sale	% Gross Sales	Transaction Count	Net Sales	Avg Net Sale	% Net Sales
Eat In	961	\$6,320.18	\$6.58	34.25%	961	\$5,862.79	\$6.10	34.21%
On-the-Go:Walk In	17	\$121.65	\$7.16	0.65%	17	\$110.80	\$6.52	0.64%
On-the-Go:DriveThru	38	\$176.19	\$4.64	0.95%	38	\$140.60	\$3.70	0.82%
Drive-Thru	2,257	\$11,833.12	\$5.24	64.13%	2,261	\$11,022.84	\$4.88	64.32%
Average			\$5.64				\$5.23	
Total	3,273	\$18,451.14			3,277	\$17,137.03		
Card Type	Qty	Amount						
Gift Card Cash Out	0	\$0.00						
Gift Card Sales	15	\$139.00						
Coupon / Discount Name	Qty	Amount						
Coupons and Discounts								
*Donut Day Free Donut	624	\$617.76						
2 Bacon Egg Cheese Sand	166	\$361.88						
2 Egg & Chs EngM	51	\$100.98						
2 Egg & Chs WUW	2	\$1.16						
2 Egg Meat Chs WUW	2	\$0.66						
D2642 \$1.99 MD HT/Ic Latt	1	\$1.50						
D3905 \$1.49 Any HT Coffee	3	\$2.10						
D3956 UpDDate Birthday	2	\$4.49						
D4846 \$6 Dozen Donuts	3	\$8.97						
Emp Meal 50%	6	\$7.40						
Fire/EMT 10%	1	\$0.10						
Free Donut w/p GSS	4	\$3.96						
Local Comp 10%	72	\$36.01						
Local Comp 15%	1	\$2.98						
Local Comp 20%	3	\$4.10						
P4641 Free Donut	4	\$3.96						
Police 20%	6	\$12.79						
Senior 5%	45	\$9.89						
Total Coupons and Discounts	996	\$1,180.69						
Loyalty Coupons								
DD Perks Free Bev	38	\$118.29						
Total Loyalty Coupons	38	\$118.29						
Grand Total	1,034	\$1,298.98						

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From: Brent Fauntleroy [mailto:brentfaunt@gmail.com]
Sent: Monday, July 16, 2018 3:16 PM
To: Freeman, Charles <CFreeman@FrederickCountyMD.gov>
Cc: Superczynski, Denis <DSuperczynski@FrederickCountyMD.gov>; Jason Scott <jscott@qsrandr.com>; Burns, Ronald <RBurns@FrederickCountyMD.gov>; Wilkins, Michael <MWilkins@FrederickCountyMD.gov>; Michael D. 'Kaminski' <MKaminski@foley.com>
Subject: Re: Dunkin Donuts-Jefferson: Planning Commission Result Letter (7/11/2018 meeting)

Gentlemen,

The information that you are requesting is attached.

I took the liberty in highlighting the areas that you are interested in.

As for the question about the donuts versus the coffee. The coffee will be about

Coffee will be around 24% and donuts will be around 25 to 26%.

I hope that this helps you with moving forward.

On Mon, Jul 16, 2018 at 2:38 PM, Freeman, Charles <CFreeman@frederickcountymd.gov> wrote:

Jason / Brent,

Also, as we are re-evaluating the traffic engineering review as requested by Planning Commission, we need to understand the relationship between coffee sales vs donut sales. Based upon our experience with other Dunkin Donuts stores, we have been operating under the assumption the primary use of the proposed restaurant is to sell donuts and coffee sales are a secondary use. Specifically, the majority of the customers are there to buy donuts and coffee sales are not the primary generator of sales.

Please let us know whether coffee or donuts are the expected primary generator of sales for the proposed store. Any data you can provide from other Dunkin Donuts stores documenting the percentage of purchases that are "coffee only" with no food purchased would be helpful.

Thanks,

Charles Freeman

Traffic Engineer
Division of Planning and Permitting
Frederick County Government
[30 N. Market St.](#)
[Frederick, MD 21701](#)

D-Hot Coffee							
Box of Joe, Original Blend	\$14.99	7	\$104.93	0.57%	\$0.00	\$0.00	\$104.93
Hot Coffee, Large, Dark Roast	\$2.09	19	\$39.71	0.22%	\$0.21	\$0.00	\$39.50
Hot Coffee, Large, Decaf	\$2.09	8	\$16.72	0.09%	\$0.00	\$0.00	\$16.72
Hot Coffee, Large, Original Blend	\$2.09	221	\$461.89	2.50%	\$14.79	\$0.00	\$447.10
Hot Coffee, Medium, Dark Roast	\$1.89	6	\$11.34	0.06%	\$0.00	\$0.00	\$11.34
Hot Coffee, Medium, Decaf	\$1.89	7	\$13.23	0.07%	\$0.00	\$0.00	\$13.23
Hot Coffee, Medium, Original Blend	\$1.89	334	\$631.26	3.42%	\$5.55	\$0.00	\$625.71
Hot Coffee, Small, Dark Roast	\$1.69	1	\$1.69	0.01%	\$0.00	\$0.00	\$1.69
Hot Coffee, Small, Decaf	\$1.69	2	\$3.38	0.02%	\$0.00	\$0.00	\$3.38
Hot Coffee, Small, Original Blend	\$1.69	138	\$233.22	1.26%	\$3.41	\$0.00	\$229.81
Hot Coffee, X-Large, Decaf	\$2.39	2	\$4.78	0.03%	\$0.00	\$0.00	\$4.78
Hot Coffee, X-Large, Original Blend	\$2.39	65	\$155.35	0.84%	\$6.28	\$0.00	\$149.07
Mug Refill, 14 Oz., Hot Coffee Decaf	\$0.99	2	\$1.98	0.01%	\$0.00	\$0.00	\$1.98
Mug Refill, 14 Oz., Hot Coffee Original	\$0.99	21	\$20.79	0.11%	\$0.00	\$0.00	\$20.79
Mug Refill, 14 Oz., Iced Coffee Decaf	\$0.99	2	\$1.98	0.01%	\$0.00	\$0.00	\$1.98
Mug Refill, 14 Oz., Iced Coffee Original	\$0.99	13	\$12.87	0.07%	\$0.00	\$0.00	\$12.87
D-Hot Coffee Subtotal		848	\$1,715.12	9.30%	\$30.24	\$0.00	\$1,684.88

D-Donuts Qty							
1 Donut	\$0.99	2,053	\$2,032.47	11.02%	\$629.81	\$2.97	\$1,399.69
12 Donuts, Item Only	\$8.99	169	\$1,519.31	8.23%	\$18.87	\$0.00	\$1,500.44
6 Donuts, Item Only	\$5.79	111	\$642.69	3.48%	\$4.64	\$0.00	\$638.05
D-Donuts Qty Subtotal		2,333	\$4,194.47	22.73%	\$653.32	\$2.97	\$3,538.18

Hourly Sales Activity Report

Start Business Date: 05/27/2018

End Business Date: 06/02/2018

Report Time: 07/16/2018 14:51:50

Time Period Begins	Gross Sales	% Gross Sales	Net Reductions	Refunds	Net Sales	Trans Count	Avg Gross Sale	Avg Net Sale	Labor Cost / Trans	Net Sales / Labor Hour
12:00 AM										
1:00 AM										
2:00 AM										
3:00 AM										
4:00 AM										
5:00 AM	\$586.19	3.18%			\$552.72	104	\$5.64	\$5.31		
6:00 AM	\$1,260.15	6.83%			\$1,173.78	242	\$5.21	\$4.85		
7:00 AM	\$2,489.66	13.49%			\$2,326.15	455	\$5.50	\$5.11		
8:00 AM	\$2,967.95	16.09%			\$2,762.32	497	\$5.98	\$5.56		
9:00 AM	\$2,958.21	16.03%			\$2,731.68	443	\$6.68	\$6.17		
10:00 AM	\$2,374.01	12.87%			\$2,200.40	350	\$6.78	\$6.29		

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11:00 AM	\$1,317.33	7.14%			\$1,228.89	233	\$5.65	\$5.27		
12:00 PM	\$875.42	4.74%			\$800.07	172	\$5.09	\$4.65		
1:00 PM	\$625.38	3.39%			\$576.34	142	\$4.40	\$4.06		
2:00 PM	\$410.99	2.23%			\$384.81	97	\$4.24	\$3.97		
3:00 PM	\$575.90	3.12%			\$534.40	118	\$4.88	\$4.53		
4:00 PM	\$516.02	2.80%			\$480.22	118	\$4.41	\$4.07		
5:00 PM	\$393.48	2.13%			\$373.60	84	\$4.68	\$4.45		
6:00 PM	\$370.37	2.01%			\$351.15	79	\$4.69	\$4.44		
7:00 PM	\$407.91	2.21%			\$361.57	80	\$5.10	\$4.52		
8:00 PM	\$322.17	1.75%			\$298.93	63	\$5.11	\$4.74		
9:00 PM										
10:00 PM										
11:00 PM										
Total	\$18,451.14	100.00%			\$17,137.03	3,277	\$5.64	\$5.23		

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